

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37856 of 2007(F)

PETITIONER:

RAJENDRA PRASAD, AGED 45, S/O. SUBRAMANIAN
PAZHAMPILLYSSERIVEEDU, THURUTHIPURAMKARA,
MOOTHAKUNNAM, ERNAKULAM DIST.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

1. SIVASANKARAN, S/O. VAVU, PATHAYAKATHIL
MURAVANTHURUTHIMURI, VADAKKEKARA VILLAGE
ERNAKULAM DIST.
2. SAVITHRI SACHIDANANDAN, C/O. M.G. SUDARSANAN, MANIYALIL
VEEDU, ALAMTHURUTH, VADAKKEKARA, ERNAKULAM DIST.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 37856 OF 2007

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Dated this the 19th day of December, 2007.

J U D G M E N T

This writ petition is preferred to direct the Subordinate Judge, North Paravur to take up Ext.P4 and dispose of the same and till such time to stay the delivery of the property on the basis of the sale in O.S.500/96. The learned counsel for the writ petitioner would submit that he has obtained a decree for specific performance against the judgment debtor in the case and the Court sale is as a result of the collusion between the judgment debtor and the plaintiff therein in order to defeat the decree obtained by this person. In order to prove the same he has preferred a claim petition as E.A.198/06 and it is pending consideration before the Court below. Under Order 21 Rule 59 the Court is bound to pass an order in such types of cases. Since the Court is closing for Christmas holidays today, the purpose will be defeated if no orders are passed now. Therefore I pass an order

W.P.C 37856 OF 2007

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directing the Subordinate Judge to defer the delivery of the property till 7.1.2008 and in the mean while direct the present writ petitioner to move the said Court under Order 21 Rule 59 CPC for appropriate reliefs. I also direct the learned Subordinate Judge to dispose of Ext.P4 application within a time frame of six weeks from the date of reopening of the Court.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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